IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 17 OF 2004.

Shri Mahboob Nadaf,
Central Jail, Aguada. ... Petitioner.

Versus

State of Goa through
Chief Secretary. ... Respondent.

Mr. Rohit Bras De Sa, Advocate for the Petitioner under Legal Aid Scheme.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent/State.

Coram : P.V. HARDAS, J.

Date : 26th March 2004.

ORAL JUDGMENT.

Rule, made returnable forthwith. By consent of the learned counsel for the parties, petition is taken up for final hearing at the stage of admission.

2. This petition was presented by the petitioner through jail and Mr. Rohit Bras De Sa has been appointed as a counsel under Legal Aid to represent the petitioner.

3. This petition pertains to the Order, passed by the Inspector General of Prisons, granting parole to the petitioner, on the petitioner furnishing a personal bond in the sum of Rs. 20,000/- with one surety in the like amount. The petitioner, who is a prisoner undergoing imprisonment of 10 years for offences punishable under

Sections 376 and 395 of the Indian Penal Code, had applied for being released on parole and the Inspector General of Prisons, while granting parole of 30 days, had directed the petitioner to furnish a personal bond in the sum of Rs. 20,000/- with one surety in the like amount. According to the petitioner, other prisoners have been released on parole on accepting a personal bond of Rs. 10,000/- with one surety in the like amount. The petitioner states that he is unable to furnish personal bond in the sum of Rs. 20,000/- and prays that the amount be reduced to Rs. 10,000/-.

4. I have heard the learned counsel for the parties. This is a case where the authorities below have exercised their discretion. There is no arbitrariness in the exercise of discretion in directing the petitioner to furnish a personal bond for the sum of Rs. 20,000/-. The petition, therefore, deserves to be dismissed and is, accordingly, dismissed with no order as to costs. Since the petitioner is in prison, a copy of this Judgment be sent to the prisoner in jail.

(P.V. HARDAS)
JUDGE.

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